

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PRO TEM PARTNERS, INC.,)	
Plaintiff)	
)	
V.)	Civil Action No. 05-11822-RCC
)	
SEMICO RESEARCH CORPORATION, INC.)	
Defendant)	
)	

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1D

Counsel for the parties have conferred, pursuant to Rule 16.1(B) of the Local Rules of this Court, and submit this Joint Statement in accordance with Local Rule 16.1(D).

I. CONCISE SUMMARY OF THE PARTIES' POSITIONS

Plaintiff's Position – Plaintiff, Pro Tem Partners, Inc., asserts that defendant Semico Research Corp. breached Pro Tem's Sales Representative Agreement, and did so for the purpose of forcing Semico's sole owner to sell his ownership interest in Semico. Pro Tem asserts that it has suffered lost future profits of \$885,000. Pro Tem further asserts that Semico's breach was a violation of Mass. G.L. c. 93A.

Defendant's Position -- Defendant Semico Research Corp., admits that it has terminated the Sales Representative Agreement, but asserts that it was terminated for cause and denies that it was intended to force Semico's owner to sell his ownership interest in Semico. Semico has raised as defenses both that the Court lacks jurisdiction over Semico and that the venue of this action is improper. Semico intends to raise these defenses by means of a motion to dismiss.

II. JOINT DISCOVERY PLAN.

A. Fact Discovery

Each of the parties will make voluntary disclosures pursuant to Fed. R. Civ. P. 26(a)(1) no later than November 30, 2005. The parties will exchange lists of fact witnesses no later than April 30, 2006. Each party reserves the right subsequently to move to add additional fact witnesses to their respective lists. Fact discovery shall be completed no later than July 31, 2006. All interrogatories, document requests, and/or requests for admissions must be served so that the responses thereto will be due by July 31, 2006. All depositions, other than expert depositions, shall be taken on or before July 31, 2006.

B. Expert Discovery

The plaintiff shall serve any reports required by Fed. R. Civ. P. 26(a)(2) for any experts plaintiff intends to offer for its case-in-chief no later than June 1, 2006. The defendant shall serve reports for any rebuttal experts no later than July 1, 2006. Depositions of these experts must be concluded no later than September 30, 2006.

III. PROPOSED SCHEDULE FOR FILING OF MOTIONS

A. Semico's Motion to dismiss

Semico intends to raise lack of jurisdiction and improper venue by means of a Motion to Dismiss. Pro Tem anticipates serving said motion not later than December 12, 2005.

B. Amendment of Pleadings, Joinder of Parties

Motions for leave to amend pleadings pursuant to Fed. R. Civ. P. 15 or for joinder of parties pursuant to Fed. R. Civ. P. 19 must be served and filed, no later than April 30, 2006.

C. Motions for Summary Judgment

The parties may file dispositive motions at any time, but motions for summary judgment, if any, may be served and filed no later than November 30, 2006. Opposition to any motions for summary judgment must be served and filed no later than January 15, 2007. Responses to oppositions to motions for summary judgment must be filed by January 31, 2007.

D. Trial

A pretrial conference shall take place on the first day convenient to the Court following its ruling on any summary judgment motion or, if no such motions have been filed, then on or after January 31, 2007.

IV. CERTIFICATIONS SIGNED BY COUNSEL AND BY PARTIES

Pro Tem has filed its Certification. Semico will submit its Certification at or prior to the Scheduling Conference.

By their attorneys,

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